

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

LYNNE DUGGAN

Plaintiff,

VS.

Case No. 4:11cv605

**HARTFORD LIFE AND ACCIDENT
INSURANCE CO., EMERSON
ELECTRIC CO., EMERSON ELECTRIC
CO. LONG TERM DISABILITY PLAN and
EMERSON PROCESS MANAGEMENT**

Defendants.

**MEMORANDUM ADOPTING REPORT AND
RECOMMENDATION OF THE UNITED STATES MAGISTRATE JUDGE**

Came on for consideration the report of the United States Magistrate Judge in this action, this matter having been heretofore referred to the United States Magistrate Judge pursuant to 28 U.S.C. § 636. On June 4, 2012, the report of the Magistrate Judge was entered containing proposed findings of fact and recommendation that Defendant's Motion to Dismiss (*see* Dkts. 7 & 11) be DENIED and that this case proceed.

Having received the report of the United States Magistrate Judge, and no objections thereto having been timely filed, this court is of the opinion that the findings and conclusions of the Magistrate Judge are correct and adopts the Magistrate Judge's report as the findings and conclusions of the court. Therefore, Defendant's Motion to Dismiss (*see* Dkts. 7 & 11) is DENIED and this case shall proceed.

IT IS SO ORDERED.

SIGNED this the 28th day of September, 2012.

Richard A. Schell
RICHARD A. SCHELL
UNITED STATES DISTRICT JUDGE